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## BOOK REVIEWS

*The Law of Transport by Railway.* By Alan Leslie. London, Sweet & Maxwell, Ltd., 1920. pp. xcvi, 579.

Mr. Leslie has done a valuable piece of work for the Bar and Bench, not only of England, but also of all English speaking countries. He has outlined the common-law duties and liabilities of common carriers by railway in the performance of transportation. He has expressly excluded consideration of financial affairs, and indeed all relations of a railroad company excepting those of a carrier. After outlining the common-law duties and obligations, he proceeds to show how they are affected by the various statutes enacted by the English Parliament. Herein he unintentionally demonstrates what everyone has long realized,—that most of the legislation is unnecessary. Indeed, the English Parliament, being even closer to its railways than is the American Congress, has exercised a paternal dominion over them in correspondingly greater detail. The English statutes, the Interstate Commerce Law, and the public utility laws of the various states are in a large measure declaratory of the common law. Many of the statutes are unnecessary. A large part of them would better be off than on the books. An experienced tribunal enforcing the common-law obligations and recognizing the common-law rights of carriers would leave little to be provided for by parliaments, congresses, or legislatures except with respect to rebates and unjust discriminations as to persons or localities.

There was no obligation at common law for a carrier to charge A the same as it charged B, provided that it did not charge either of them more than a reasonable price. There is no economic reason why a carload of freight should be carried at the same rate per ton per mile as a trainload is carried; and yet, in the interest of the public, the man who cannot afford to ship more than a carload is not and should not be charged any more per ton per mile than the man who can afford to ship a trainload. Obviously statutes are necessary to modify the common law in this respect.

As to less carload freight, the English recognize by statute what the United States has long acknowledged—namely, the increased cost due to freight house, freight yard, and terminal handling.

The distinction is made between "conveyance" and any other service incidental to the duty or business of a carrier; that is to say, services rendered to or in connection with sidings not belonging to the carrier, the collection or delivery of merchandise, demurrage or car hire after a period reasonably necessary to enable the shipper or consignee to give or take delivery, and the loading, unloading and covering or otherwise protecting certain classes of merchandise, the use of coal drops and special service in respect to loading or unloading merchandise into or out of vessels or barges.

In the United States, some of these charges are added to the regular conveyance charge and some of them are combined with the through rate. It is becoming more and more apparent, particularly in the more congested portions of the country, that these charges must be dealt with intelligently, lest the cost absorb the entire profit of the haul.

To American practitioners having to do with cases involving the carriage of passengers or goods Mr. Leslie's book will be most helpful. Indeed, it may well engage the attention of the American Bar and Bench. It is logical, illuminating, and apparently exhaustive.

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